Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 16, 1992.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Eagle Financial Services, Inc., Berryville, Virginia; to engage *de novo* through its subsidiary, The Johnson Williams Limited Partnership, Winchester, Virginia, in community development in the form of a 38.3 percent interest in a limited partnership, pursuant to § 225.25(b)(6) of the Board's Regulation Y. The partnership would refurbish a former school located in Berryville, Virginia, for the purpose of providing housing in the form of 40 apartment units to the low-income elderly. This activity would be conducted in the Virginia Counties of Clarke and Frederick and the City of Winchester, Virginia.

Board of Governors of the Federal Reserve System, October 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25741 Filed 10-22-92; 8:45 am]

BILLING CODE 6210-01-F

Snyder Holding Company Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 16, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Snyder Holding Company Corporation and F&A Financial Company to become bank holding companies by acquiring 26.54 percent of the voting shares of The Armstrong County Trust Company and 42 percent of the voting shares of The Farmers National Bank of Kittanning. All of these organizations are located in Kittanning, Pennsylvania.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. FCFT, Inc., Princeton, West Virginia; to acquire 100 percent of the voting shares of Peoples Bank of Richwood, Richwood, West Virginia.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Pine River Bank Corp., Bayfield, Colorado; to become a bank holding company by acquiring at least 90 percent of the voting shares of Pine River Valley Bank, Bayfield, Colorado.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. South Plains Delaware Financial Corporation, Dover, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of South Plains Financial Corporation, Dover, Delaware, Morton Financial Corporation, Morton, Texas, South Plains Bank, Levelland, Texas, and First State Bank, Morton, Texas.

2. South Plains Financial, Inc., Morton, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of South Plains Delaware Financial Corporation, Dover, Delaware, South Plains Financial Corporation, Dover, Delaware, Morton Financial Corporation, Morton, Texas, South Plains Bank, Levelland, Texas, and First State Bank, Morton, Texas.

Board of Governors of the Federal Reserve System, October 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25742 Filed 10-22-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Family Assistance

Agency Information Collection Under OMB Review

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for continued use of a currently approved information collection for the Office of Family Assistance of the Administration for Children and Families (ACF). This information collection report, Annual Statistical Report on Children in Foster Homes and Children Receiving AFDC Payments in Excess of the Poverty Income Level, was previously approved under OMB Control Number 0970-0004.

ADDRESSES: Copies of the Information Collection request may be obtained from Steve Smith, Office of Information Systems Management, ACF, by calling (202) 401-9235. Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395-7316.

Information on Document

Title: Annual Statistical Report on Children in Foster Homes and Children in Families Receiving AFDC Payments in Excess of the Poverty Income Level.

OMB No.: 0970-0004.

Description: This report is required annually of all State agencies administering or supervising administration of AFDC and child welfare programs, including the District of Columbia and Puerto Rico. This

information collection is authorized by section 1005 of chapter 1 of title 1, of the Elementary and Secondary Education Act (ESEA), as amended by Public Law 100–297. The statute requires that the Secretary of Health and Human Services shall determine: (1) The number of AFDC children aged five to seventeen, inclusive, from families above the poverty level, receiving income in excess of the current criteria of poverty used by the Bureau of the Census for a nonfarm family of four, and (2) The number of children aged five to seventeen, inclusive, that are being supported in foster homes with public funds.

Form ACF–4125 will be used by the State human services agency to collect caseload data for the month of October of the preceding fiscal year for children in foster homes supported with public funds, and children in families receiving annual AFDC payments in excess of the current poverty income level. This information will be submitted to the Office of Family Assistance, ACF, of the Department of Health and Human Services.

The statute requires that the Secretary of Health and Human Services shall collect this information and transmit it to the Secretary of Education by January 1 of each year. The Department of Education will use the information to compute grants for local education agencies to provide compensatory education services for educationally deprived children.

Annual Number of Respondents: 52.

Annual Frequency: 1.

Average Burden Hours Per Response: 6.

Total Burden Hours: 312.

Dated: October 9, 1992.

Naomi B. Marr,

Director, Office of Information Systems Management.

[FR Doc. 92–25790 Filed 10–22–92; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, October 2, 1992.

(Call PHS Reports Clearance Office on 202–690–7100 for copies of requests)

1. Evaluation of a Comprehensive Hospital Information System—New—This survey will identify the strengths and limitations of the Comprehensive Hospital Information System of El Camino Hospital in increasing the quality and cost effectiveness of patient care. The survey will explore user satisfaction and attitudes about the system and useability and barriers to use of the system.. *Respondents:* Individuals and households; *Number of Respondents:* 540; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* .33 hours; *Estimated Annual Burden:* 178 hours.

2. Application for Correction of Public Health Service Commissioned Corps Records—0937–0095–An application is submitted by present and former PHS Commission Corps officers to request correction of an error or alleged injustice in their personnel records. The information submitted is used by the Board for Correction to determine if an error or injustice has occurred and to rectify such error or injustice. *Respondents:* Individuals or households, Federal agencies or employees; *Number of Respondents:* 25; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 4 hours; *Estimated Annual Burden:* 100 hours.

3. Native American Family Systems and Community Strengths: Assessment of Patterns of Violence—New—The information collected will be used to determine patterns of violent behaviors and related variables across generations, to develop a culturally appropriate, community-based prevention model to reduce or eliminate violent behavior in American Indian families and communities. Respondents are members of American Indian families, and include three generations within each family. *Respondents:* Individuals or households; *Number of Respondents:* 240; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 1.5 hours; *Estimated Annual Burden:* 360 hours.

4. Application for Temporary Marketing Permits, 21 CFR part 130–0910–0133–This voluntary regulation allows manufacturers to market test foods to gather data for the purpose of amending food standards. It allows for potential technological advances and economic savings while assuring product safety and is in the interest of consumers. *Respondents:* Businesses or other for-profit; *Number of Respondents:* 43; *Number of Responses Per Respondent:* 1.07; *Average Burden Per Response:* 9 hours; *Estimated Annual Burden:* 414 hours.

5. Variations in Management of Childbirth and Patient Outcomes—New—This research project will study the variations and correlates of specific diagnostic and treatment procedures used in managing labor and delivery. Of particular interest is the decision whether or not to deliver by Caesarean section, including the outcomes of that decision. The project will yield information to help improve medical care in childbirth, improve maternal and infant health, and reduce costs. *Respondents:* Individuals or households; *Number of Respondents:* 2,400; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 0.916 hours; *Estimated Annual Burden:* 2,208 hours.

Desk Officer: Shannah Koss.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: October 15, 1992.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 92–25507 Filed 10–22–92; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–92–1917; FR–3350–N–02]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565

(these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR. 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD buy Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD:

(1) Its intention to make the property available for use to assist the homeless,

(2) Its intention to declare the property excess to the agency's needs; or

(3) A statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S. Army:* Robert Conte, Dept. of Army, Military Facilities, DAEN-ZCI-P; rm. 1E671, Pentagon, Washington, DC 20310-2600; (703) 693-4583; *Corps of Engineers:* Bob Swieconek, Headquarters, Army Corps of Engineers, Attn: CERE-MM, room 4224, 20 Massachusetts Ave. NW., Washington, DC 20314-1000; (202) 272-1750; *U.S. Navy:* John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (703) 325-0474; *GSA:* Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501-0067; *Dept. of Agriculture:* Marsha Pruitt, Realty Officer, USDA, South Bldg. rm 1566, 14th and Independence Ave. SW., Washington, DC 20250; (202) 447-3338; *Dept. of Transportation:* Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366-4246; (These are not toll-free numbers).

Dated: October 16, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program, Federal Register Report for 10/23/92

Suitable/Available Properties

Buildings (by State)

Hawaii

P-88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818-
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

Maine

Bldg. 523—Transmitter Site
Naval Air Station
East Brunswick Co: Cumberland ME 04011-
Landholding Agency: Navy
Property Number: 779230002
Status: Excess
Comment: 7,270 sq. ft., 1-story bldg., most recent use—storage, needs rehab on 66 acres of land.

Bldg. 524—Transmitter Site
Naval Air Station
East Brunswick Co: Cumberland ME 04011-
Landholding Agency: Navy
Property Number: 779230003
Status: Excess
Comment: 384 sq. ft., 1-story, most recent use—storage, needs rehab.

New Mexico

Former Post Office
4th & Mitchell
Clovis Co: Curry NM 88101-
Landholding Agency: GSA
Property Number: 549230005
Status: Excess
Comment: 9,225 sq. ft., 2-story concrete, brick & steel structure, good condition, pres. of asbestos, listed on National Register of Historic Places, most recent use—public library.
GSA Number: 7-GR-NM-478

Suitable/Unavailable Properties

Land (by State)

Hawaii

21.615 acres
Manana Housing Area
Pearl HI 96782-
Landholding Agency: GSA
Property Number: 549230001
Status: Excess
Comment: Predominantly steep cliffsides, subject to easements, buffer zone, land use restrictions.
GSA Number: 9-N-HI-566

Suitable/To Be Excessed

Buildings (by State)

Ohio

Michaels, Christine E. A–8881
T2NRSW part secs. 27 & 33
Co: Washington OH
Landholding Agency: Agriculture
Property Number: 159230001
Status: Unutilized
Comment: 1,104 sq. ft., 1-story frame residence, disconnected utilities, off-site removal only.

Land (by State)

Iowa

C Bar J Ranch
¼ mile south of River Rd. on Stagecoach Rd.
Ames Co: Story IA
Landholding Agency: Agriculture
Property Number: 159230002
Status: Unutilized
Comment: 24.5 acres w/bldgs.—animal, shops, barn, storage; wood and metal frames; potential utils.; limestone quarry approx. ¾ mi. north, perform some blasting; fenced area w/locked gate.

Ohio

Middleport Public Access Site
Gallipolis Locks & Dam
Middleport Co: Meigs OH 45760–
Landholding Agency: COE
Property Number: 319230001
Status: Underutilized
Comment: Approximately 17.23 acres including parking lot, flowage easement, right-of-way for city street and utilities.

Unsuitable Properties

Buildings (by State)

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 879240001
Status: Underutilized
Reason: Secured Area

[FR Doc. 92–25564 Filed 10–22–92; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Central Arizona Project (CAP) Water Allocations and Water Service Contracting With Indian Tribes

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of final decision to modify CAP water allocation decisions.

SUMMARY: The purpose of this action is to provide final notice of the Department's decision to modify the existing CAP water allocation decisions by deleting the requirement for a substitute water provision in CAP water service contracts with Indian tribes. This action will facilitate removal of the substitute water provision from existing CAP water service contracts with tribes and communities and from the proposed CAP water service contract with the Gila River Indian Community (GRIC). The substitute water provision requires Indian contractors to take available non-potable effluent water or other water in lieu of CAP water under certain criteria intended to assure that there would be no diminution of the tribes' total allocation and no additional cost to the tribes. The proposal to also delete the requirement for the Winters rights crediting provision in Indian contracts is not included in this action. The Winters rights crediting provision remains in force.

FOR FURTHER INFORMATION CONTACT: Robert W. Johnson, Assistant Regional Director, Bureau of Reclamation, PO Box 61470, Boulder City, Nevada 89006–1470. Telephone (702) 293–8411.

SUPPLEMENTARY INFORMATION: Previous Department of the Interior notices of proposed and final decisions concerning CAP water allocations were published in the **Federal Register** (FR) at 37 FR 28082, December 20, 1972; 40 FR 17297, April 18, 1975; 41 FR 45883, October 18, 1976; 45 FR 52938, August 8, 1980; 45 FR 81265, December 10, 1980; 48 FR 12446, March 24, 1983; 56 FR 29704, June 28, 1991; and 57 FR 4470, February 5, 1992. The notices were published and the decisions were made pursuant to the authority vested in the Secretary by the Reclamation Act of 1902, as amended and supplemented (32 Stat. 388, 43 U.S.C. 391), the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057), the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501), the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1505), the Implementing Procedures of the U.S. Department of the Interior (516 Department Manual [DM] 5.4), and in recognition of the Secretary's trust responsibility to Indian tribes.

On October 18, 1976 (41 FR 45888), Acting Secretary Frizzel published the Department's allocation of CAP water made on October 12, 1976, to Indian tribes in central Arizona (1976 Decision). Under the 1976 Decision, 257,000 acre-feet of CAP water per year was allocated to the tribes for use prior to year 2005. Under that decision, the amount of water allocated to Indians after year 2005 would be decreased to either 10 percent of the CAP supply or to 20 percent of the agricultural supply, whichever was to their advantage.

Subsequently, Secretary Andrus concluded that the abrupt reduction in the Indian water supply after year 2005 would mean that the economic growth permitted on the reservations in the early years of CAP operations would be temporary, and both the Government and the tribes would be faced with the costs of a return to depressed economic conditions. Also, Secretary Andrus believed that the Indian allocation should be increased because (1) some tribes that should have been allocated CAP water were not included in the 1976 Decision and (2) CAP water should be allocated to tribes in support of permanent tribal homelands.

Secretary Andrus recognized that by improving the Indian supply in later years of CAP operations, the position of the non-Indian municipal and industrial (M&I) users would be less favorable than under the 1976 Decision. Responding to suggestions by Governor Babbitt of Arizona, Secretary Andrus incorporated the substitute water provision into the CAP water allocation decision. On December 10, 1980 (45 FR 81265), Secretary Andrus published the Indian allocations of 309,828 acre-feet of CAP water per year to 10 Indian tribes in central Arizona (1980 Decision). The 1980 Decision stated in part:

> In an effort to make the M&I supply as dependable as possible, these allocations permit the substitution of non-CAP water for Indian CAP water, and provisions addressing such substitutions will be included in the Indian water service contracts.

That provision, commonly known as the "mandatory" substitute provision, was included in the 1980 Decision as a means of (1) firming the non-Indian M&I water supply in water shortage years and (2) ameliorating the concern of the non-Indian M&I entities that the increased allocation to the Indian tribes had occurred at the non-Indian M&I entities' expense. Substitute water was defined to include treated municipal effluent or other water suitable for agricultural use. On December 11, 1980, the Department executed CAP water service contracts with 9 of the 10 Tribes which had received an allocation of CAP water. The substitute water provision was included in the contracts offered to four tribes located in close proximity to municipal areas that were considered capable of taking delivery of municipal effluent in lieu of CAP water. Three of the tribes, the Salt River Pima-Maricopa Indian Community, the Ak-Chin Indian Community, and the Papago Tribe, now known as the Tohono O'odham Nation, executed CAP water service contracts containing the substitute water provision. The GRIC

had strong objections to the provision and elected not to sign the CAP water service contract offered at that time.

The substitute water provision provided that after the year 2005, up to one-half of the tribes' CAP water allocation could be exchanged. The substitution was to be accomplished under criteria intended to assure that the quality, quantity, suitability, and delivery facilities for the substitute water would be appropriate for the beneficial uses to which the water was to be put. All costs of the substitution were to be borne by the Central Arizona Water Conservation District (CAWCD) or the benefitting non-Indian subcontractor. The substitute water provision reserved to the Secretary the right to approve a substitution in the event that the Secretary determined, according to certain criteria, that the tribe was unreasonably withholding agreement to a proposed substitute water contract.

The 1980 Decision also provided that the allocation of CAP water would be credited against a tribe's Winters rights, as and when finally adjudicated or finally determined by Federal legislative action, and required that this stipulation be included in the Indian CAP water service contracts. The stipulation was included in all of the Indian contracts offered and executed, including the contract offered to GRIC.

Secretary Andrus did not allocate CAP water to non-Indian entities in the 1980 Decision. However, that decision facilitated the submission of recommendations by the Arizona Department of Water Resources (ADWR) to the Secretary for allocations of CAP water to non-Indian entities. On March 24, 1983 (48 FR 12446), Secretary Watt issued a CAP water allocation decision (1983 Decision) that allocated CAP Water to the non-Indian entities and reaffirmed Secretary Andrus's allocation to the Indian tribes with one significant modification. The 1983 Decision provided that GRIC would have to accept a 25 percent reduction in its CAP water allocation during shortage years in lieu of the 10 percent reduction that was required in the 1980 Decision. The 1983 Decision reaffirmed (1) the requirement for the substitute water provision in the contracts with Indian entities and (2) the allocation of water to Indian entities for tribal homeland purposes. The requirement for crediting the CAP allocation toward a tribe's Winters rights was not changed by the 1983 Decision.

Comments on the Proposed Modifications and Responses

On June 28, 1991 (56 FR 29704), Secretary Lujan published notice of proposed modifications to the CAP water allocation decisions and invited written comments from interested parties within 30 calendar days following the date of the notice. During the comment period, written comments were received from officials of ADWR, Salt River Project, CAWCD, municipalities, Indian tribes and communities, and non-Indian irrigation districts. The comments focused on (1) the substitute water provision and (2) crediting CAP water allocations against a tribe's Winters rights. A synopsis of the comments and concerns of each commenter on the proposed modifications and the Department's responses follow:

(1) City of Phoenix, July 25, 1991.

Comment 1–1: The City of Phoenix agrees with the reasons for deleting the mandatory substitute water provision from the Indian CAP contracts and believes that it is equally important to remove the provision from CAP M&I subcontracts that would penalize a subcontractor for entering into a direct effluent exchange with an Indian Community for CAP water.

Response 1–1: Over the last 10 years, circumstances have changed in central Arizona and the Department now believes that the requirement for a mandatory substitute water provision in the CAP water service contracts with the Indian tribes is no longer critical to management of water supplies in central Arizona. The Department acknowledges the city of Phoenix's concurrence with deletion of the mandatory substitute water provision from the Indian water service contracts.

The Department also acknowledges the city of Phoenix's concerns that the provisions of the effluent exchange article in the CAP M&I water service subcontracts may no longer be critical to management of water supplies in central Arizona. During the process of reallocating uncontracted M&I allocations and after consultation with ADWR, the Department will re-evaluate condition 4 of the 1983 Decision, which conditions a CAP M&I water allocation upon adoption of a pooling concept whereby all M&I allottees share in the benefits of effluent exchanges.

(2) Sparks & Siler, P.C. (San Carlos Apache Tribe; Tonto Apache Tribe; and Yavapai Apache Indian Community, Camp Verde Reservation), July 26, 1991.

Comment 2–1: The proposed modifications are unacceptable and will adversely impact vested contractual rights of the San Carlos, Tonto, and Camp Verde Tribes as well as other CAP tribes and CAP M&I contractors and subcontractors.

Response 2–1: The Department disagrees. See response 1–1 and the Bases for Decision.

Comment 2–2: It is inappropriate to presume that substitute water would necessarily be treated sewage water. The water is required to be of comparable quality, quantity, and suitability for the intended beneficial use, which is irrigation.

Response 2–2: The Department acknowledges that substitute water includes treated municipal effluent or other water suitable for irrigation.

Comment 2–3: It is inappropriate to conclude that because no substitute water has been proposed to GRIC in 10 years that none will be in the future.

Response 2–3: See response 1–1, and Bases of Decision (5).

Comment 2–4: Deleting the requirement of the 1980 Decision for crediting the CAP allocation against the Tribes' Winters rights will adversely affect vested rights of tribes with executed CAP contracts; tribes which have settled or are near settlement of their rights; and cause a strategic imbalance in the litigation positions of tribes (and other parties) who have developed legal positions since 1980 encompassing the crediting requirements of the 1980 Decision.

Response 2–4: The requirement for a Winters rights provision set forth in the 1980 Decision is retained and the provision is now included in the contract form approved for execution with the GRIC and will remain in all of the existing CAP water service contracts with Indian tribes. See the Summary and Bases for Decision.

(3) Ryley, Carlock, and Applewhite (Roosevelt Water Conservation District) (RWCD), July 23, 1991.

Comment 3–1: In the event the Winters right credit provision is deleted from the GRIC contract prior to the conclusion of a settlement with that community, RWCD is concerned that the GRIC will view its CAP contract as having no bearing upon the overall water budget for the settlement and that the GRIC will use the deletion of the credit provision as a basis for arguing for a water budget that does not account for the right to receive CAP water. The justifications for deletion of the provision are not persuasive.

Response 3–1: That requirement is retained. See the Summary, Response 2–4, and Bases for Decision.

Comment 3–2: RWCD urges reconsideration of the proposal to delete

the mandatory substitute water provision. At the minimum, public hearings should be held on the possible effects of the proposal.

Response 3–2: The Department disagrees. See Response 1–1 and the Bases for Decision. With respect to the need for public hearings, the Department is not convinced that any new or more persuasive information would be forthcoming from the public hearing forum. The written comments received on the June 28, 1991, notice of proposed modifications to the CAP water allocation decisions were comprehensive and thorough.

Comment 3–3: The deletion of the effluent exchange provisions in the Indian contracts may have fundamental impacts on both the non-Indian M&I pool and on the agricultural pool of the CAP.

Response 3–3: The Department disagrees. See Response 1–1 and the Bases for Decision.

(4) Jennings, Strouss & Salmon (Salt River Project), August 13, 1991.

Comment 4–1: The Salt River Project has played a significant role in resolving the water rights claim of the Salt River Pima-Maricopa Indian Community, the Fort McDowell Indian Community, and the San Carlos Apache Indian Tribe. In addition, the Salt River Project has been involved during the past two years in continuing negotiations to resolve the water rights claims of GRIC. The usage of CAP water, both the Community's present allocation and additional allocations of non-Indian agricultural and M&I supplies, continues to be a primary focus of attention in these negotiations. The Salt River Project urges the Department to proceed cautiously in proposing amendments to contracts that are the subjects of ongoing negotiations and to conduct public hearings on the proposed action before reaching a final decision.

Response 4–1: The Department acknowledges this concern. See Summary, Response 1-1, 2–4, 3–2, and Bases for Decision.

(5) CAWCD, July 29, 1991.

Comments 5–1: CAWCD opposes the Department's proposal to modify existing CAP water allocation decisions, the existing CAP water service contracts with Indian tribes, and the proposed water service contract with the GRIC. Neither (1) the requirements of the 1983 Allocation Decision and the CAP Indian contracts regarding the mandatory substitution of effluent for CAP water nor (2) the requirements of the 1980 Allocation Decision and Indian CAP contracts for the crediting of an Indian Community's CAP water allocation against its Winters rights should be modified or deleted without a comprehensive water rights settlement with the tribe or the Indian community concerned.

Responses 5–1(1): See Response 1–1 and the Bases for Decision. The Department believes that modification of the CAP water allocation decisions with respect to the requirement for the substitute water provision in Indian water service contracts is unrelated to Indian water rights settlement negotiations; the contract requirements set forth in the allocation decisions are the same for all tribes contracting for CAP water service; the well-established authorities and procedures under Reclamation law for contracting with the tribes for the delivery of CAP water are independent of the water rights settlement process; and there is nothing to indicate that the substitute water provision is of such significance to the water rights settlement negotiations as to warrant further delay of the contracting process with the GRIC.

Responses 5–1(2): The Department agrees that the requirement for the Winters water rights provision should be retained. Accordingly, whether or not to modify or delete that requirement in the absence of a comprehensive water rights settlement is a moot question. See the Summary, Response 2–4, and Bases for Decision.

Comment 5–2: Several M&I entities have raised concerns regarding the impact of the proposed modifications on non-Indian M&I and agricultural water supplies. One concern is that if modification is made to the provisions of the CAP contracts with Indian tribes regarding mandatory effluent exchanges, similar modifications should be made to CAP M&I subcontracts with non-Indian entities to remove provisions which would cause the CAP M&I entitlements of such entities to be reduced by the amount of CAP water received in an effluent exchange.

Response 5–2: The Department acknowledges that concern. See Response 1–1 and Bases for Decision.

(6) ADWR, July 26, 1991.

Comment 6–1: The effluent exchange provision is now proposed for deletion from the Indians' CAP contracts was inserted in the contracts initially at the urging of ADWR. While there has been some discussion in the past few years of the efficacy of the provision, there has been no consensus among the Arizona water community on whether the clause should be deleted. Many different parties could be impacted by removal of the clause, and the effects on these parties could range from beneficial to deleterious. Before the provision is removed, more thorough consideration should be given to the effects of that action. We believe any change would more appropriately be made in the context of comprehensive water rights settlement with the affected Indian community.

Response 6–1: The Department disagrees. See Responses 1–1, 5–1, and the Bases for Decision.

Comment 6–2: The proposal to drop the provision crediting CAP water against an Indian tribe's Winters rights is troubling. There seems little reason to give Indian nations two allocations of water, without crediting one against the other.

Response 6–2: The requirement is retained. See the Summary, Response 2-4, and Bases for Decision.

(7) Robert S. Lynch, Attorney at Law (Central Arizona Irrigation and Drainage District and Maricopa-Stanfield Irrigation and Drainage District), July 29, 1991.

Comment 7–1: The basic fallacy of the proposals is the failure to recognize the finite nature of water supplies in Arizona.

Response 7–1: The Department now believes that the requirement for a substitute water provision in the CAP water service contracts with the Indian tribes is no longer critical to management of water supplies in Arizona. See Response 1.1 and Bases for Decision.

Comment 7–2: One of the central reasons for the allocation to Indian communities of priority water for agriculture included an action-forcing provision for exchange of potable CAP water for effluent to conserve scarce CAP resources. Estimates at that time were that 100,000 acre-feet of CAP water would be exchanged for treated effluent for Indian agricultural use. If that eventually does not come to pass, then non-Indian agriculture will lose 100,000 acre-feet of water delivery in good years and M&I contractors could suffer the same fate in years of severe CAP water shortages. That is clearly not good planning.

Response 7–2: The Department believes conditions have changed. See Response 1–1 and Bases for Decision.

Comment 7–3: The proposals are even more deficient in terms of their lack of sensitivity to the water policy and water conservation policy of the State of Arizona. There are many reasons why effluent exchanges have not been consummated to date. Now that the situation is clarified and other water management tools have been created by the [State's] Legislature, opportunities for effluent exchanges and other strategies are improved. It is too soon to

throw the whole process away because it has not yet worked.

Response 7–3: See Response 1–1 and Bases for Decision.

Comment 7–4: The Winters credit has not been an issue in negotiations because it was an item already decided. Putting it on the table now may complicate current negotiations and cause prior decisions to be reexamined.

Response 7–4: The Department agrees. See the Summary, Response 2–4, and Bases for Decision.

Comment 7–5: The Department should hold a series of meetings in Arizona on the proposed modifications and explore the ramifications of these proposals in much more detail before making any decisions.

Response 7–5: The Department disagrees. See Response 3–2.

Comment 7–6: Any action on these subjects will have such serious potential consequences as to clearly be major Federal actions significantly affecting the quality of the human environment.

Response 7–6: See NEPA Compliance. The Department has concluded that there are no significant new circumstances or information relative to environmental concerns that require supplemental NEPA review for the proposed modification of the CAP allocation decisions.

(8) Ellis, Baker, & Porter, P.C. (Central Arizona Irrigation and Drainage District, Maricopa-Stanfield Irrigation and Drainage District, and New Magma Irrigation and Drainage District), July 29, 1991.

COmment 8–1: The Districts object to the deletion of both the substitute water and Winters rights crediting provisions from the proposed contract with GRIC. A requirement for Indians to use effluent makes good water management sense, particularly since Indians do not have to comply with the State of Arizona's Ground Water Management Act. Changing the allocation decision may upset the basis upon which the Districts entered into CAP contracts and incurred millions of dollars of debt. The Department should hold public hearings on the proposed changes before adopting a final position.

Response 8–1: See Responses 1–1, 2–4, and 3–2, and Bases for Decision. The Department is not convinced that elimination of the substitute water provision will adversely impact the ability of the Districts to meet their financial and contractual obligations. The requirement for the Winters rights crediting provision in Indian contracts is retained.

Bases for Decision

The reasons for retaining the requirement for the *Winters* rights crediting provision in Indian contracts include:

(1) The concept of crediting the CAP allotment against a tribe's Winters rights was instituted by the 1980 Decision and put into the Indian contracts to accomplish following objectives—(1) to ensure that the tribes' adjudicated Winters water rights included the CAP allotment, (2) to assure all tribes that project water delivered to tribes will be credited against adjudicated Winters rights on such terms and conditions as may be agreed upon between the Secretary and the tribe at that time, (3) to assure all tribes that to the extent that a CAP allotment is credited, it could be used in any manner and for any uses permitted by a tribe's adjudicated Winters rights, and (4) to preclude negotiation of the same or similar issues with the various tribes during the adjudication and settlement processes with the possibility of arriving at different results. The Department believes that those objectives are still valid.

(2) Strong and persuasive opposition to deleting the requirement was expressed by commenters.

(3) The GIRC agreed to accept the original Winters rights crediting provision in its CAP water service contract in the interest of comity with other tribes and affected parties.

The reasons for deleting the requirement for the substitute water provision include:

(1) The Department is not aware of any substitute water that has been or is being proposed for exchanges with Indian tribes.

(2) Under the 1983 Decision and the existing CAP M&I water service subcontracts, there is apparently no incentive for a municipality to exchange substitute water with an Indian tribe. The 1983 Decision included a "pooling concept" whereby all non-Indian M&I entities would benefit on a pro rata basis from CAP water made available because of substitute water exchanges. Under the pooling concept, a municipality would make its effluent water available to CAWCD. CAWCD, through its water users, would finance the capital cost of facilities to transport the substitute water to a point of use on the reservation, and pay for the cost of operation, maintenance, and replacement (OM&R) associated with delivery of the substitute water. To encourage the municipalities to participate in the effluent exchange pool and to deter independent effluent exchanges with tribes, the M&I water service subcontracts included a penalty clause stating, in effect, that the municipality must incur all of the capital and OM&R costs to convey the effluent to a point of use on the reservation and the municipality's entitlement to CAP water under the subcontract must be reduced by the amount of CAP water received under the exchange, if its effluent is exchanged directly with an Indian tribe. Based on the lack of action or expressed interest in effluent exchanges, the Department has concluded that the municipalities do not consider the potential benefits of effluent exchanges with Indian tribes or communities adequate to justify entering into effluent exchange arrangements under the terms of the M&I subcontracts.

(3) Since the 1983 Decision, Arizona law has been enacted which requires that effluent be used on golf courses and in artificial lakes in lieu of potable water. The effect of this law is to create a new demand for effluent within the municipalities' service areas.

(4) Since the 1983 Decision, the municipalities have taken steps to augment their water supplies by other means. Several of the municipalities have purchased water ranches to obtain ground water or surface supplies. Further, the municipalities are considering introducing such non-Project water into the CAP aqueduct for conveyance to their service areas. They are also considering augmenting their water supplies by recharging CAP water into the ground in the early years of CAP operations for subsequent recovery and use during future shortage years or for future demands.

(5) Deletion of the mandatory substitute water provision from Indian contracts will not preclude the execution of voluntary substitute water agreements between the tribes and municipalities. If there are water shortages in the future, the Department believes that there will be strong pressures for all water users in Arizona, including the tribes, to work together to make the most effective use of all water resources, including effluent.

Final Decision

In consideration of the decisions of previous Secretaries on CAP water allocations; the draft and final environmental impact statements (EIS) prepared on Water Allocations and Water Service Contracting, Central Arizona Project (INT–DES 81–50 and INT–FES 82–7, respectively), and the public comments thereon; the notice of proposed modifications to the CAP water allocation published on June 28,

1991 (56 FR 29704), and the public comments thereon; and this Final Modification Decision notice; I hereby give notice of the Department's decision to modify the existing CAP water allocation decisions as set forth below and direct the Commissioner of Reclamation, through his Regional Director, Lower Colorado Region, Boulder City, Nevada, to proceed in accordance with the terms and conditions of this decision.

The requirement in the 1980 and 1983 CAP water allocation decisions for a substitute water provision in CAP water service contracts with Indian tribes and in the proposed CAP water service contract with the Gila River Indian Community is hereby terminated. The requirement for a Winters right crediting provision in the CAP water service contracts with Indian tribes remains unchanged.

Effective Date and Effect on Previous Decisions

This Final Modification Decision is effective as of the date of this notice and amends and supplements the 1980 and 1983 Decisions. Insofar as the December 10, 1980, and March 24, 1983, decisions are inconsistent with this Final Modification Decision, the affected provisions of the 1980 and 1983 . Decisions are hereby rescinded.

NEPA Compliance

Noice of availability of the Final EIS on Water Service Contracting for the CAP (cited above) was published on March 24, 1982 (47 FR 12689). That notice examined a number of allocation alternatives, two of which required effluent exchanges for tribal entities. The Record of Decision published on March 24, 1983 (48 FR 12446) discussed the alternatives to and options for effluent exchanges. It was determined that the relative differences in environmental impacts among the allocation alternatives, with and without the effluent exchange options, would not be significant.

With respect to this modification of the previous CAP water allocation decisions, the Department has revised the earlier NEPA documents and has determined that no changes have occurred which would alter the previous findings on affluent exchanges. Further, no new and significant information relevant to environmental concerns arose during the review and comment period which ended July 29, 1991. Accordingly, no additional NEPA review is required.

Dated: October 16, 1992.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 92-25687 Filed 10-22-92; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[WY-010-4320-04]

Closure of Public Lands; Washakie County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure for all motorized vehicles on public lands north of the Dry Farm Road in T. 44 N., R. 87 W., sections 13, 14, 22, 23, 24, and 25, Washakie County, Wyoming.

SUMMARY: Notice is hereby given that effective immediately all public lands north of Dry Farm Road in T. 44 N., R. 87 W., sections 13, 14, 22, 23, 24, and 25 is closed to all motorized vehicle use. It was determined that immediate action needed to be taken to stop the spread of spotted knapweed.

EFFECTIVE DATES: This closure is effective immediately and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Roger Inman, Area Manager, Washakie Resource Area or Dave Baker, Outdoor Recreation Planner, Washakie Resource Area, 101 South 23rd Street, P.O. Box 119, Worland, Wyoming 82401, (307) 347-9871.

SUPPLEMENTARY INFORMATION: This closure is in response to a request from the grazing permittee and Washakie County Weed and Pest District to control the spread of spotted knapweed, a designated noxious weed. Spotted knapweed is highly competitive and readily establishes on any disturbed soil. Once established, knapweed releases chemical substances which inhibit growth of surrounding vegetation. Knapweed is easily caught up in the undercarriage of motorized vehicles, allowing seed to be spread for miles.

This emergency closure applies to approximately 1,950 acres of public lands north of Dry Farm Road in T. 44 N., R. 87 W., sections 13, 14, 22, 23, 24 and 25, Sixth Principal Meridian, Washakie County, Wyoming. Off-road use designations apply to all motorized vehicles with the exceptions of: (1) Any fire, military, emergency, or law enforcement vehicle when used for emergency purposes or any combat support vehicle when used for national defense purposes;

(2) Any vehicle whose use is expressly authorized by the Bureau of Land Management under permit, lease, license, or contract; and

(3) Any government vehicle on official business.

Authority for closure order is provided under 43 CFR subpart 8364.1. Violations of this closure are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Dated: October 14, 1992.

George Hollis,

Acting District Manager.

[FR Doc. 92-25692 Filed 10-22-92; 8:45 am]

BILLING CODE 4310-22-M

[NV-060-03-4370-01]

Battle Mountain District Advisory Council Meeting in Battle Mountain, NV

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 and CFR part 1780 that a meeting of the Battle Mountain District Advisory Council will be held on December 2-3, 1992. The meeting will convene at 1 p.m. at the Tonopah Convention Center. The agenda will include discussions on multiple use resource management issues: Oil and gas leases, wetlands, threatened species habitat, Watchable Wildlife and cultural values present in Railroad Valley. There will be a tour of Railroad Valley on Thursday, December 3, 1992. Non-members must provide their own transportation.

The meeting is open to the public. Interested persons may make statements beginning at 3:30 p.m. If you wish to make an oral statement, please contact James D. Currivan by November 20, 1992.

FOR FURTHER INFORMATION CONTACT: James D. Currivan, District Manager, P.O. Box 1420, Battle Mountain, Nevada, 89820 or phone (702) 635-4000.

Dated: October 7, 1992.

James D. Currivan,

District Manager, Battle Mountain District.

[FR Doc. 92-25789 Filed 10-22-92; 8:45 am]

BILLING CODE 4310-HC-M

DEPARTMENT OF THE INTERIOR

[OR-050-4410-10:GP3-024]

Prineville Oregon District Grazing Advisory Board; Meeting

There will be a meeting of the Prineville Oregon District Grazing Advisory Board on Tuesday, November